

Appl. No. 10/708,984  
Amtd. dated January 24, 2006  
Reply to Office action of December 20, 2005

### REMARKS

#### Present Status of Application

Applicants thank the Examiner for the thorough examination of this application.

5 The Office Action rejected all the pending claims 1-22. Specifically, claims 1-7, 10, 12-19, and 21 were rejected under 35 USC 102(e) as being unpatentable over Huang (US Patent Number 6,817,020). In addition, claims 8 and 20 were rejected under 35 USC 103(a) as being unpatentable over Huang, in view of Office Notice. Claim 9 was rejected under 35 USC 103(a) as being unpatentable over Huang, in view of Tanaka (US Publication Number 2001/0050898). Claim 11 and 22 was rejected under 35 USC 103(a) as being unpatentable over Huang, in view of Kanada (US Patent Number 6,934,957).

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Applicants have amended claims to overcome the rejection base on 35 USC 102(e) and 103(a). Applicants respectfully traverse the rejection and request reconsideration of all pending claims.

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#### Discussion of Office Action Rejections

##### **Rejection of claims 1, 12, and 13 based on 35 USC 102 (e)**

The Office Action rejected claims 1, 12, and 13 under 35 USC 102 (e) as being unpatentable over Huang. The Applicants respectfully traverse this rejection for at least 20 the reasons set forth below.

The Office Action alleged that Huang et al disclose a disk force-ejection and force-loading device for use in an optical disk drive (Figure 4, item 110), the optical disk drive comprising an active gear of a drive motor for loading and ejecting an optical disk (Figure 6, item 116) and a housing comprising a position hole nearby the active gear of 25 the drive motor (Figure 6, item 112), the disk force-ejection and force-loading device comprising: A drive element installed on one end of the disk force-ejection and force-ejection device (Figure 6, item 114) for connecting and driving the active gear (Figure 6, shaft of item 114) of the drive motor (Figure 4, item 114) via the position hole (Figure 6);

Appl. No. 10/708,984  
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a motivity provider for rotating the drive element (Figure 6, Item 114); and a power provider for providing electric power to the motivity provider (Column 1, lines 22-23).

As mentioned in independent claim 1 and 12, the present invention defines "a housing comprising a position hole nearby the active gear of the drive motor". Usually 5 the term "housing" is used to describe something that covers or protects, such as a case or enclosure for a mechanical part or an instrument. Referring to Figs. 4 and 5 of the present application, the housing 1 is "used for covering the drive motor and the active gear" as defined in the amended claims. To find a corresponding part in Huang et al properly, it would be more likely the chassis 100 defined in Fig 4 of Huang et al then the 10 base 112 defined in Fig. 6 of Huang et al. The position hole depicted in Fig 6 of Huang et al was form on the base 112 but not on the housing (Figure 4 of Huang et al, item 100) that covers the drive motor and the active gear.

Further, claims 1 and 13 defines a disk fore-ejection and force-loading device having a motivity provider (Figure 2 of present application, item 4) and a power provider (Figure 15 2 of present application, item 5). The disk force-ejection and force-loading device disclosed in the present application is basically a device to be used with the optical disk drive, not part of the optical disk drive. Therefore the drive motor (Figure 4, item 114) and the motivity provider are different components. Moreover, as shown in Figures of the present application, the disk force-ejection and force-loading device is used to connect 20 the active gear of the drive motor via the position hole. Huang et al fails to disclose a disk fore-ejection and force-loading device for used to connect the active gear of the drive motor via the position hole.

Therefore, Huang et al fails to disclose all of the claimed elements of amended claims 1, 12, and claim 13, and claims 1, 12, and 13 now should be allowed for at least 25 this reason.

**Rejection of claims 2-7, 10, 14-19, and 21 based on 35 USC 102 (e)**

Appl. No. 10/708,984  
Amdt. dated January 24, 2006  
Reply to Office action of December 20, 2005

The Office Action also rejected dependent claims 2-7, 10, 14-19, and 21 under 35 USC 102 (e) as allegedly anticipated by Huang et al. The Applicants respectfully request for reconsideration of these dependent claims since the patentability of base claims that claims 2-7, 10, 14-19, and 21 depend has been explained as noted above.

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**Rejection of claims 8-9, 11, 20, and 22 based on 35 USC 103 (a)**

The Office Action also rejected dependent claims 8-9, 11, 20, and 22 under 35 USC 103 (a) as being unpatentable over Huang et al, in view of the Official Notice, Tanaka, and Kanada. The Applicants respectfully request for reconsideration of these dependent 10 claims since the patentability of base claims that claims 8-9, 11, 20, and 22 depend has been explained as noted above.

Appl. No. 10/708,984  
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Conclusion

Accordingly, Applicants respectfully submit the amended claims and request for reconsideration of all pending claims that are in condition for allowance.

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Sincerely yours,

Winston Hsu

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